

Docket JP920000136US1

Appl. No.: 09/826,710

Filed: April 5, 2001 # 11

In the United States Patent and Trademark Office

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In re the application of: Rajendra)
Kumar Bera)

Filed: 04/05/2001)

Group Art Unit: 2172

For: Method, System and Program)
Product for Data Searching)
Background of the Invention)

Examiner: Fred I. Ehichioya

Appl. No.: 09/826,710)

Applicant's Docket:)
JP920000136US1)

CERTIFICATE OF Facsimile Transmission

I hereby certify that this correspondence is being transmitted via facsimile
to USPTO Group Art Unit 2172 at telephone number 703-872-9306 and to the attention of
Examiner Fred I. Ehichioya on November 23, 2003.

Anthony V S England 11-23-2003
Anthony V. S. England Date

REQUEST FOR RECONSIDERATION

This is in response to the Office action of October 1, 2003, finally rejecting all claims in the subject patent application.

On July 15, 2003, Attorney submitted a formal Reply to the first Office Action, including amendments to the claims intended to distinguish the invention from the cited art and a written request for interview, which proposed a telephone interview at a certain time on July 29th. Included with the reply was an Information Disclosure Statement ("IDS") and a copy of a co-pending application for examination, together with the appropriate fee payment.

On July 29th Attorney called Examiner at the requested time, however Examiner had only just received on the previous day Applicant's reply. Moreover, Examiner indicated that it

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would take additional time to retrieve the file of the co-pending application at the Patent Office. Attorney understood from this telephone conversation that Examiner would contact Attorney to schedule the requested interview before the next Office action once Examiner had obtained the file. However, in an apparent oversight the Office action was issued dated October 1, 2003, finally rejecting all claims without granting the interview and without providing an opinion as to relevance or effect of the co-pending application, if any.

After October 1, Attorney spoke with Examiner Ehichioya, Supervisor Vu and Supervisor Kindred in various telephone conversations requesting an interview and that the submitted reference be examined. Attorney pointed out that otherwise, a fee is imposed upon Applicant for Continued Examination in order to obtain the previously paid for and duly requested interview and examination of the reference. Attorney also requested that the Office action of October 1 be made non-final at least until such time as the requested interview is conducted and a written opinion is issued in view of the submitted reference.

On November 10th Examiner Ehichioya called Attorney. Examiner indicated that the reference submitted in July is now being examined, and expressed some concern that there might be a double patenting issue with respect to claim six in the present application vs. claim eight in the cited reference, i.e., Application no. 09/574,152.

On November 11th Attorney submitted a supplement to the Applicant Initiated Interview Request Form of July 15, 2003. The supplement added the potential double patenting issue to the agenda and proposed a telephone interview for November 12, 2003, at 3 p.m. Eastern time, which was actually conducted on that date with Examiner Ehichioya and Supervisor Kindred and this Attorney.

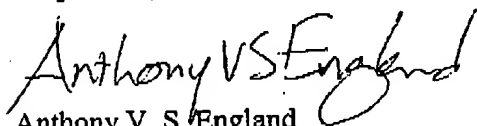
In the telephone interview Attorney pointed out the non-obvious novelty of claim one in the subject patent application, which includes an aspect of identifying a "minimal portion" of data subjected to a search query. According to claim one, the search query includes two or more data fragments expected to be contained within the data. In the identified "minimal portion" of the data at least one of the query's data fragments appears only once. Participants reviewed at some length various examples of a "minimal portion" that are set out in the patent application.

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In view of the above Applicant requests that the final rejection be reconsidered.
Applicant further contends that the invention as claimed is patentably distinct, and hereby requests that Examiner grant allowance and prompt passage of the application to issuance.

Respectfully submitted,



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